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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,492	03/21/2001	David Bruner	010271	4609

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EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/814,492

Applicant(s)

BRUNER ET AL.

Examiner

Tom Gyorfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/07/2001 ✓
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

1. Claims 1-10 have been examined.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "58" has been used to designate both a login procedure and a set of web sites. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to because reference character "31" indicates a different element of the invention from the one indicated in the specification. Reference character "31" points to the Internet in Figure 1, but the specification requires that it should refer to the data contained in the partners' websites (the unlabeled element within element 34 of Figure 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Lundberg et al. (U.S. Patent 6,760,757).

Regarding claim 1, Lundberg teaches a fixed server (element 16 of Figure 2, and column 3, lines 52-57) operably tied to a telecommunications network (element 20 of Figure 2, and also element 6 of Figure 1); a remote server, in the form of a proxy server (element 10 of Figure 2, and column 2, lines 45-50) with connection means for a remote user to access the remote server (column 1, lines 38-42); and two communication links connecting the remote server to the fixed server: a wired connection by means of a pair of terminals (elements 14 and 15 of Figure 2, and column 2, lines 52-55), and a wireless satellite link (elements 2, 3, and 4 of Figure 1 and column 2, lines 15-17).

Regarding claim 2, again note that the wireless communication link disclosed is a satellite uplink (column 2, lines 15-17).

Regarding claim 3, it is deemed inherent to servers as defined by Applicant that that any server operably connected to a telecommunications network must be capable to continually receive information therefrom as part of its normal functioning. Further, the ground-based server disclosed by Lundberg periodically communicates information to the proxy server via a communication link (column 3, lines 59-67).

Regarding claim 4, the proxy server is contained within a vehicle (column 2, lines 28-36), and it is inherent that the remote user of this invention is, by definition, a mobile user.

Regarding claim 5, recall that the preferred embodiment of this invention defines the vehicle as a passenger airplane (element 1 of Figure 1, and column 1, lines 65-67).

Regarding claim 6, Lundberg teaches that the invention can be embodied in any type of vehicle, including a ship (column 4, lines 51-54).

Regarding claim 7, again note that Lundberg teaches a remote internet server, in the form of a proxy server (element 10 of Figure 2, and column 2, lines 45-50) with connection means for a remote user to access the remote internet server (column 1, lines 38-42); a ground-based server connected to a telecommunications network (element 16 of Figure 2, and column 3, lines 52-57), and a communication link connecting the remote server to the ground-based server (elements 2,3 and 4 of Figure 1, and in addition elements 14-15 of Figure 2 with column 2, lines 52-55).

Regarding claim 10, note that the invention disclosed by Lundberg contains a remote web server associated with the moving vehicle, in the form of a proxy server (Lundberg, column 2, lines 28-36); means for connecting an internet user with the remote web server (Lundberg, column 3, lines 38-43); a central web server in a fixed location (Lundberg, element 7 of Figure 1, and column 3, lines 12-17); means for connecting the central web server to a global telecommunications network (Lundberg, elements 5 and 6 of Figure 1, and again column 3, lines 12-17); a communication link operably connecting the remote web server to the central web server (Lundberg, elements 2, 3, and 4 of Figure 1, and column 2, lines 15-17); and means for periodically transmitting internet information between said central web server and said remote web server (Lundberg, column 4, lines 8-14). It is also noted that when a user requests

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Internet access, the user supplies credit card information to the remote web server (the proxy server in the Lundberg disclosure) in order to purchase the service (Lundberg, column 4, lines 24-32). Therefore, this satisfies the limitation in Applicant's claim that "the internet user can conduct internet commerce with the remote web server."

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundberg as applied to claim 7 above, and further in view of Bezos et al. (U.S. Patent 6,029,141).

Regarding claim 8, in the invention disclosed by Lundberg, the proxy server which fulfills the function of the mobile internet server disclosed by Applicant caches a set of web pages to be displayed to users in-flight, but Lundberg does not explicitly state that this content is accessible from a portal site hosted by the proxy server. In addition, while the invention disclosed by Lundberg acquires credit card account information from the user (Lundberg, column 4, lines 24-32), it does not teach a registration screen through which the user supplies this profile information.

Applicant has submitted Bezos as prior art. Bezos discloses an Internet-based customer referral system comprising a web site that contains links to web pages stored



locally on the server (Bezos, column 6, lines 59-66). Thus, such a web site would constitute a "portal site" under the broadest possible definition of the term. It would have been obvious to one of ordinary skill in the art at the time of the invention disclosed by Applicant to create a web page, such as the one disclosed by Bezos, for the proxy server disclosed by Lundberg, the web page containing links to the cached web pages stored on said proxy server. Note that Lundberg teaches that accessing a web page in the proxy server's cache will typically be less expensive than accessing a web page requiring the use of the wireless Internet link (Lundberg, column 2, lines 6-9). Therefore, by having a portal web page linking to the cached web pages, users can easily identify which pages are less costly to access, and plan their Internet usage accordingly.

Furthermore, Bezos also discloses a web page where a user submits profile information for registration purposes (Bezos, Figures 3a, 3b, and 3c). It would have been obvious to one of ordinary skill in the art at the time of the invention disclosed by Applicant to utilize a registration screen similar to the one disclosed by Bezos to collect the credit card account information required by the invention disclosed by Lundberg, and in turn use the information to register the user with the aforementioned portal site. In doing so, the user would be provided with a user-friendly means of enabling an Internet connection in-flight without requiring the use of an intermediary to perform the authorization check. It also ensures that only users who have properly purchased Internet access can view web pages requiring the use of the wireless link, which can be very costly.

Regarding claim 9, observe that the proxy server in the Lundberg disclosure can be coupled to a ground-based server through a set of terminals (Lundberg, elements 14 and 15 of Figure 2, and column 3, lines 52-55).

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Weinberger et al. (U.S. Patent 6,782,392), "System Software Architecture for a Passenger Entertainment System, Method and Article of Manufacture";
- Mehrotra et al. (U.S. Patent Application Publication 2003/0167222), "Method and Apparatus for Marketing Within a Complex Product Space";
- Crandall et al. (U.S. Patent Application Publication 2002/0109647), "Communication System for Airplane Passengers";
- Lundberg et al. (European Patent Application EP890907 A1), "Providing Web Access to Users in a Vehicle".

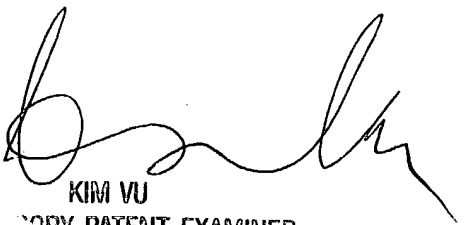
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG  
08/25/04



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